

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARIE BAPTISTE and )  
MITCHELL MATORIN, )  
Plaintiffs, )  
v. )  
COMMONWEALTH OF MASSACHUSETTS ) C.A. No. 1:20-cv-11335-MLW  
and EXECUTIVE OFFICE OF )  
HOUSING AND ECONOMIC )  
DEVELOPMENT, )  
Defendants. )

ORDER

WOLF, D.J.

August 5, 2020

For the reasons explained at the August 4, 2020 hearing, it  
is hereby ORDERED that:

1. The Motion to Intervene or in the Alternative as "Enhanced" Amici Curiae filed by Chelsea Collaborative, Inc., City Life/Vida Urbana, Lynn United For Change, and Springfield No One Leaves (Dkt. No. 23) is DENIED, without prejudice to these organizations' later moving to file an amicus brief and attaching the proposed brief if they believe that there are one or more material issues that defendants are not raising or advocating adequately.

2. The parties shall, by 12:00 noon on August 7, 2020, confer and report concerning: (a) whether the court should address the issues in this case on a motion or cross-motions for summary judgment, rather than on the Motion for Preliminary

Injunction;<sup>1</sup> (b) whether plaintiffs intend to file an amended complaint; (c) whether plaintiffs intend to file additional affidavits with their reply concerning the Motion for Preliminary Injunction and, if so, whether defendants will seek to file a sur-reply; and, in any event, (d) a proposed schedule for completing the briefing concerning the pending motions and future foreseeable events.

3. Plaintiffs shall file their reply concerning the Motion for Preliminary Injunction by August 11, 2020.

4. The parties shall, by August 18, 2020, supplement their briefing on the Motion for Preliminary Injunction to address the legal issues concerning the facts the court should consider. Their memoranda shall include discussion and legal authority concerning the distinction between adjudicative and legislative facts, the means by which any legislative facts should be found, and the degree of deference to be given to legislative facts by the court.

5. When the state court decides the motion for preliminary injunction in Matorin v. Executive Office of Housing and Economic Development, No. 2084-CV-1334 (Mass. Suffolk Super. Ct.), the parties shall file a copy of it forthwith, confer, and

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<sup>1</sup> Although not mentioned at the August 4, 2020 hearing, the parties shall also discuss the possibility of an expedited trial on stipulated, or substantially stipulated, facts.

report, within two business days of the decision, concerning their respective views on the implications of that decision for how this case should proceed.

6. The parties shall order the transcript of the August 4, 2020 hearing on an expedited basis.

  
Charles F. Stay  
UNITED STATES DISTRICT JUDGE